

April 2018

Research Panel: Faculty Unionization at Religiously-Affiliated Institutions

Jacob Bennett

University of New Hampshire

Follow this and additional works at: <https://thekeep.eiu.edu/jcba>



Part of the [Collective Bargaining Commons](#), and the [Higher Education Commons](#)

Recommended Citation

Bennett, Jacob (2018) "Research Panel: Faculty Unionization at Religiously-Affiliated Institutions," *Journal of Collective Bargaining in the Academy*: Vol. 0, Article 35.

Available at: <https://thekeep.eiu.edu/jcba/vol0/iss13/35>

This Proceedings Material is brought to you for free and open access by the Journals at The Keep. It has been accepted for inclusion in Journal of Collective Bargaining in the Academy by an authorized editor of The Keep. For more information, please contact tabruns@eiu.edu.

Unionization at Religiously-Affiliated Colleges and Universities

Jacob A. Bennett, Doctoral Student, Department of Education, University of New Hampshire

Gerald Beyer, Associate Professor, Villanova University, Moderator

Michael Moreland, University Professor of Law and Religion, Director, Eleanor H. McCullen Center for Law, Religion and Public Policy, Villanova University Charles Widger School of Law

Saerom Park, Assistant General Counsel, Service Employees International Union

Michele Sampson-Nelson, Assistant Vice Provost for Student Services, Iona College

Today's Panel

- Major Influences on Collective Bargaining and this Research
 - Legal Influences
 - Catholic Teachings
- Omission Statement: A Case for Qualitative Study of Contingent Faculty Labor Conditions on American Catholic Campuses
- Senior-level Administrator Perceptions of Collective Bargaining at Catholic Colleges and Universities
- Discussion: Areas of Overlap, Divergence in Perspectives

Legal Influences

- *National Labor Relations Board (NLRB) v. Catholic Bishop of Chicago* (1979)
 - “It is not only the conclusions that may be reached by the Board which may impinge on rights guaranteed by the Religion Clauses, but also the very process of inquiry leading to findings and conclusions.” (440 U.S. 502)
- *NLRB v. Yeshiva University* (1980)
 - “[T]he faculty are endowed with ‘managerial status’ sufficient to remove them from the coverage of the [National Labor Relations] Act.” (444 U.S. 679)
- *Pacific Lutheran University* (2014)
 - NLRB decision that challenges supremacy of *Catholic Bishop* and *Yeshiva*.

Catholic Teachings Influence

- Respect for Human Dignity
- Interconnectedness of Life
- Responsibility of the Church as Role Model
- Value of Work in One's Life
- Pope Leo XIII's *Rerum Novarum* (1891)
 - Worry about socialism, public ownership of private goods and worker uprisings

Catholic Teachings Influence

- Pope Paul VI's *Gaudium et Spes* (1965) - "the common good"
- Pope Paul VI's *Populorum Progressio* (1967) - All benefit from the gifts of the earth
- Subsidiarity
- Technological changes will change the nature of work and should benefit all
- USCCB's *To Teach as Jesus Did* (1972) - "Communities of Faith"

Catholic Social Teachings and Worker Rights

- Fair and just relationship between capital/labor - “true human community”
 - Information, engagement and voice
- Right to a just wage (care for family needs) based on prevalence of work
- Responsibility to treat workers well
- Responsibility of workers to be team players
- Responsibility for authorities and those with means to care for the weak and the poor

Catholic Social Teaching and Worker Rights

- Freedom of religion and religious duty
- Right to private property
- Right to unionize (worker guilds)
 - Freedom of selection and of governing rules vs. Christian organizations
 - Support and benefit organizations (not hurt them)
 - Main goal of these organizations should be to protect the workers
 - Right to strike (Paul VI)

OMISSION STATEMENT:

A Case for Qualitative Study of Contingent Faculty
Labor Conditions on American Catholic Campuses

Jacob A. Bennett

assistant professor

lecturer

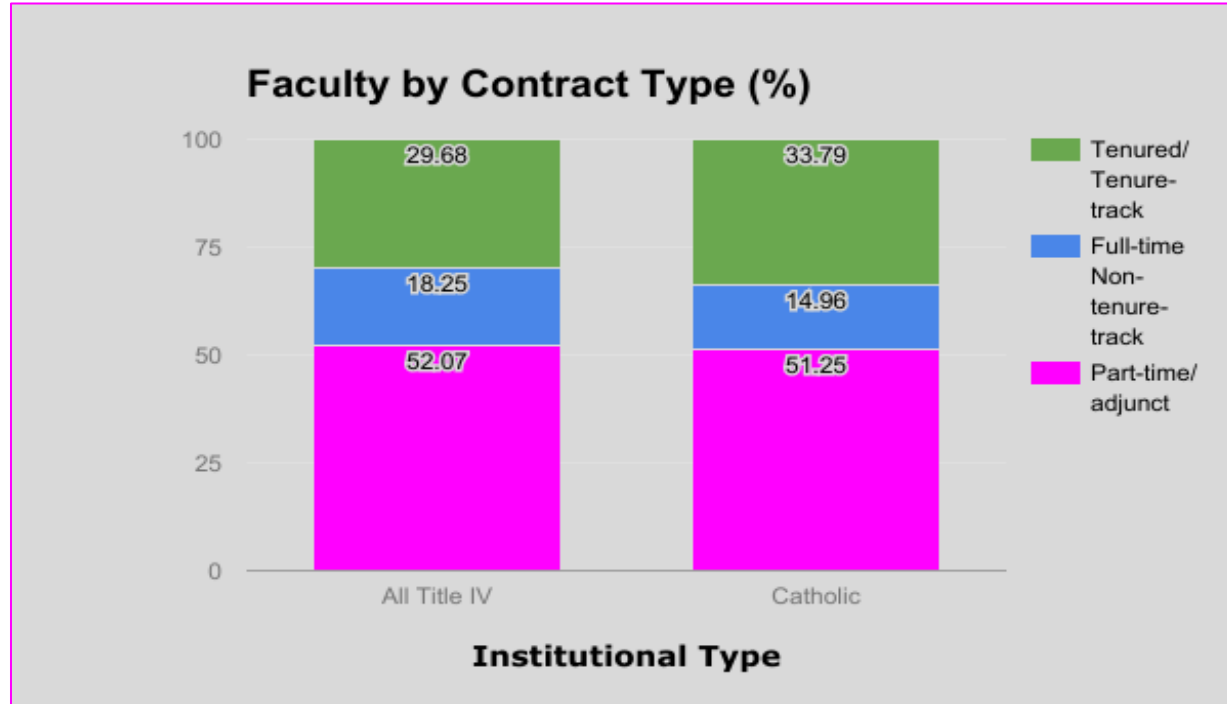
professor

associate professor

instructor

Problem Statement

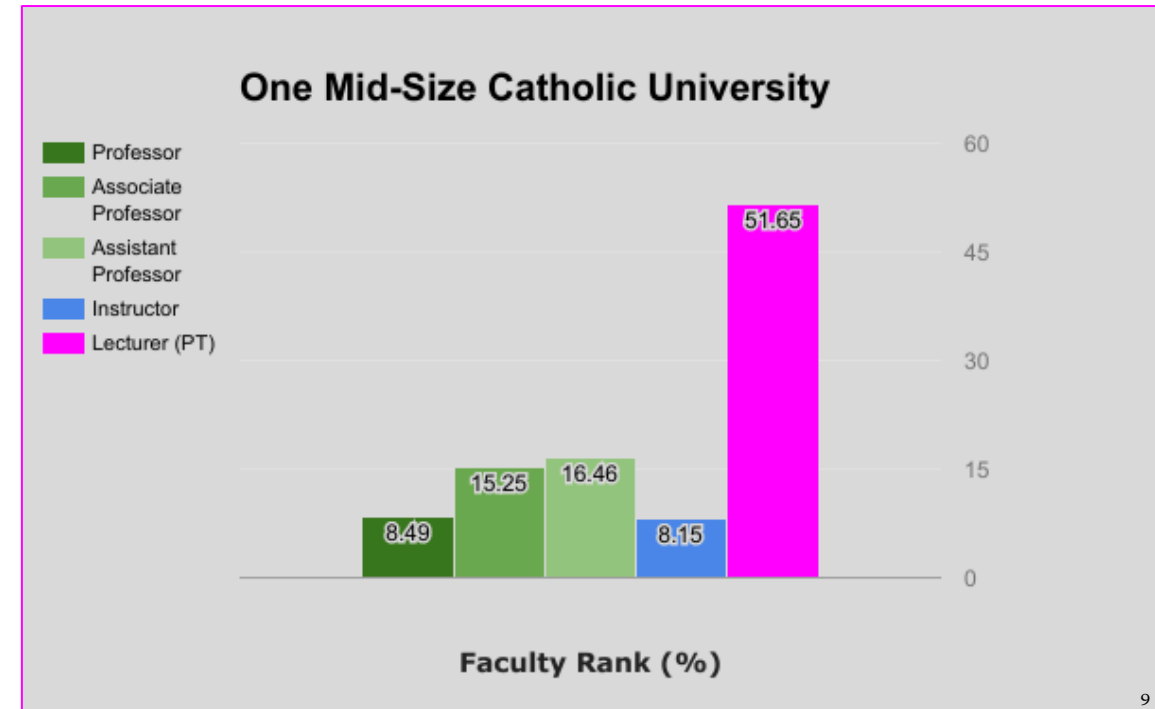
Bennett, Research Panel: Faculty Unionization at Religiously-Affiliated In



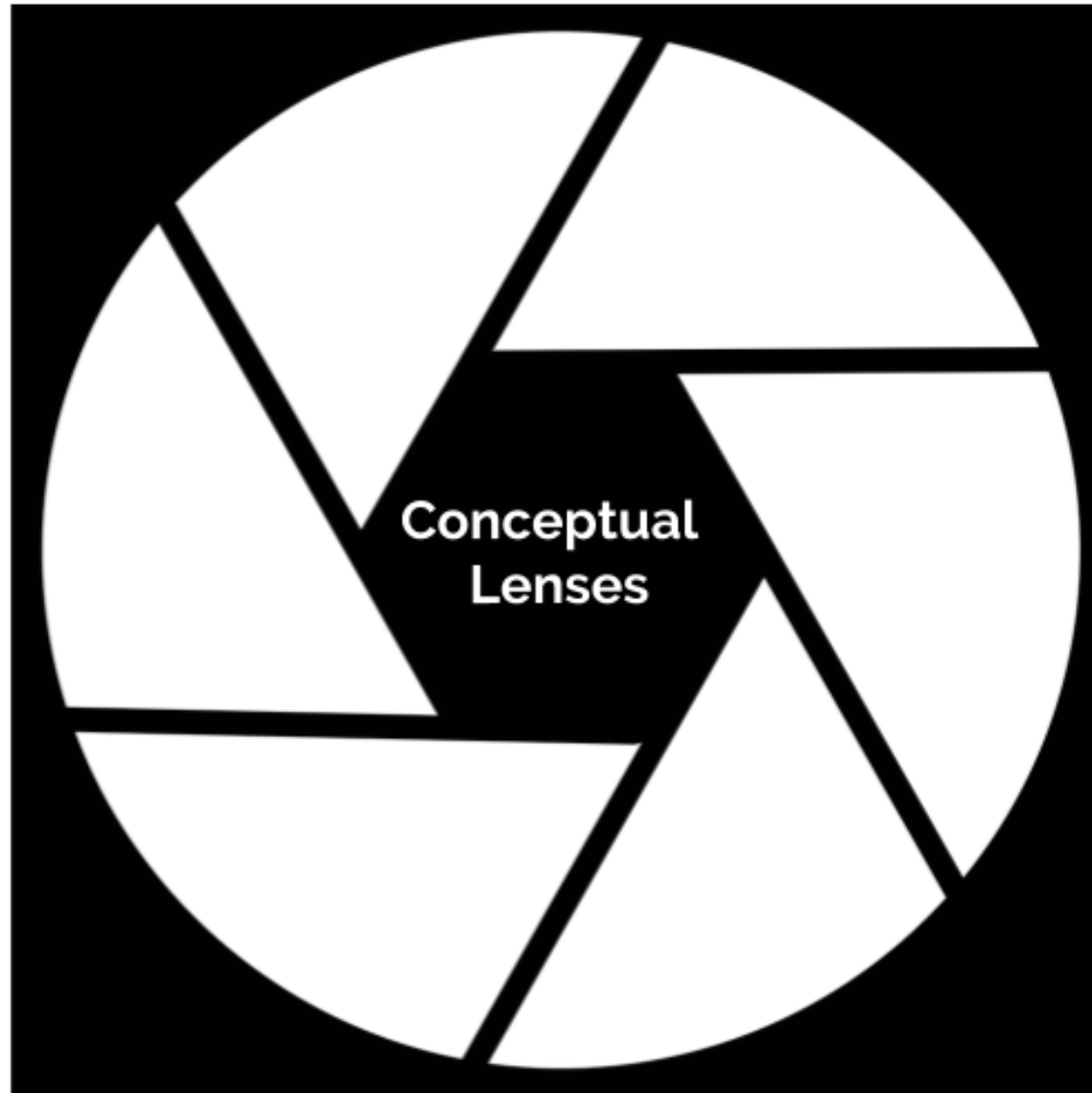
Example Catholic Institution's Mission:

"all members of our community are called to maintain a heightened sensitivity to those marginalized within society"

Despite increasing rates of reliance on contingent faculty, faculty handbooks frequently omit policies specific to hiring, development, and evaluation of these faculty, especially part-timers



Conceptual Framework



- Freire (1970/2000)
 - postcolonial “conscientization”
- Trainor and Godley (1998)
 - feminist “corrective story”
- Sultana (1992)
 - critical “politics of absence”

The Literature

Bennett: Research Panel: Faculty Unionization at Religiously-Affiliated In

Contingent Faculty Conditions

- Lacking policy relevant to contingent faculty
- "Flexibility" = increased % of contingent hires
- Low wages, lacking benefits, job insecurity
- Similar across public/private, secular/religious
- Inconsistent or absent accrediting standards

Shifting Legal Landscape

- *Catholic Bishop of Chicago* (1979), *Yeshiva University* (1980) bar collective bargaining for faculty at religious and private institutions
- *Pacific Lutheran University* (2014) challenges long-standing Supreme Court precedents

Provisional Research Question for an Ethnographically-Inclined Cross-Case Study:

How do contingent faculty describe their experiences of teaching and governance involvement at small-to-midsize Catholic comparator institutions with high percentages of contingent faculty, a liberal arts curriculum, and where labor conditions either permit or prohibit collective bargaining?

Locus of Academic Freedom

- Association of American University Professors (AAUP) defends academic freedom as individual right, as do 240+ organizations
- Religious scholars and Supreme Court defend academic freedom as institutional right

Catholic Social Teaching

- Labor-positive tradition since Pope Leo XIII's *Rerum Novarum* (1891)
- Popes and US Bishops have reiterated this tradition ever since, upholding right of labor to organize

The Case for Further Study

Pursuit of the research question urges document analysis, in-depth interviewing, and observation as part of a multiple cross-case study that may lead to emerging theory about similar cases at comparator institutions. Such study should:

- *allow for conscientization* (i.e., perception and action) of and against the paradox inherent when an institution exploits its laborers while it also capitalizes on a tradition that abhors such exploitation;
- *encourage a corrective story* based on the feminist principle of seeking the experiences of the exploited in the very place of their exploitation;
- *be aware of and wary of the absences and omissions* that necessarily cling to any claims of realism, objectivity, or narrative totality.

Senior-level Administrator Perceptions of Collective Bargaining at Catholic Colleges and Universities

Michele L. Sampson-Nelson, PhD

Assistant Vice Provost for Student Services

Iona College

Significance

- Conditions for union growth in the 1960s/70s parallel those today.
- More than 40 of the 246 Catholic colleges, universities, and seminaries in the United States have some form of collective bargaining or bargaining movement on their campuses.
- The adjunct faculty movement is public and widespread.
- The *Pacific Lutheran* case has had a significant impact.
- Public perception of higher education and the value of a college degree has declined.
- Overall budget challenges, enrollment declines, and external pressures challenge senior leaders.

Research Study

- Transcendental phenomenological study with five Catholic college or university presidents and one senior-level Human Resources administrator
- Research Question: How do senior-level administrators at Catholic colleges and universities perceive collective bargaining?
- Related research questions include:
 - What internal and external factors and experiences affect these perceptions?”
 - How does Catholic Social Teaching affect these perceptions?
 - Do these perceptions change with regard to full-time faculty unions? Part-time or contingent faculty unions? Staff unions?
- Catholic Social Teaching is conceptual framework

Research Study

- Sample: very small to mid-sized, 4-year Catholic colleges in the Northeast where leaders were more accessible and the number of high school graduates is on the decline
- 60 to 90-minute interviews with senior-level administrators
- Three religious and three lay participant leaders
- Interview transcripts sent to participants for member-checking
- Analyzed public statements about collective bargaining efforts on participants' campuses and statements issued by these Catholic campus leaders in the Northeast
- Analyzed any collective bargaining agreements, if they existed, at participants' institutions, to see if any themes arose

Related Literature

- Collective Bargaining Development in Higher Education
- Collective Bargaining Development in Faith-Based Higher Education
- Catholic Social Teaching
- Communities of Faith
- Primary and Secondary School Research
- Post-Secondary School Research

Participating Institution Union Experience

Institution	Staff Union	Contingent Faculty Union	Tenure-Track Faculty Union
Institution A	Yes	No	No
Institution B	Yes	Yes	No
Institution C	Yes	No	No
Institution D	No	Yes	No
Institution E	No	No	Yes
Institution F	No	No	No

Primary Research Question Findings

How do senior-level administrators at Catholic colleges and universities perceive collective bargaining?

Participants had a genuine appreciation for the historical and personal benefit/need for collective bargaining to protect worker rights and support collective bargaining in some form on their campuses.

Participants preferred to work directly with employees instead of with (outside) union representatives to maintain these relationships and encourage a collegial educational campus community.

Participants did not want any (more) unions.

Participants were actively assessing their campuses for ways to improve the work environment and employee morale to prevent new or additional union activity.

Internal & External Factors Affecting Perceptions of Collective Bargaining at Catholic Colleges and Universities

What internal and external factors and experiences affect senior-level administrator perceptions of collective bargaining at Catholic colleges and universities?	
Internal Factors	External Factors
Personal Experience	External Union Influence
Leader's Style and Professional Experience	National Labor Issues
Relationship with Faculty/Staff	Role/Influence of Government
Perception of Union Motivation and Tactics	
Governance Structures/Voice	
Board of Trustees	
Business Model of Higher Education	

How Catholic Social Teaching Affects Senior-Level Administrator Perceptions

- All of the participants made some reference to Catholic Social Teaching, Catholic identity, and/or the institutional order identity as a motivation for their general support of collective bargaining.
- Two participants believed their own faith played a role in how they respond to collective bargaining.
- One participant felt strongly that CST did not require colleges to recognize unions or that unions are the best model for solving higher education's problems.
- What is the role of colleges in supporting part-time employees?

Senior-level Administrator Perceptions of Collective Bargaining for FT Faculty, Contingent Faculty, and Staff

All of the participants believed in some kind of collective bargaining on their campuses even if they did not want them (or more of them), but not all participants agreed on which constituents had the right to bargain:

- Two participants believed that FT faculty do not have the right to bargain because they are managers / have a role to play in supporting the Mission.
- One participant believed FT faculty have the right to bargain, but the Church was not referencing highly paid employees in CST.
- Administrators were generally more supportive of staff unions, focusing on economic and workplace issues.
- Two participants believed all employees have the right to bargain if they are not being treated fairly.

Summary of Findings

- Participants were generally supportive of collective bargaining, but they did not want union growth on their campuses.
- They preferred collegial, direct relationships with their staffs.
- Participants disagreed about which constituents had the right to unionize.
- Catholic Social Teachings about worker rights generally influenced participant perception of collective bargain.
- Other significant factors contributing to perceptions included:
 - Leadership style and professional experience with unions;
 - Fiscal pressures;
 - Concerns about government regulation and interference, both as it relates to NLRB and more broadly.

Areas of Overlap, Divergence in Perspectives

- Lack of Standards, Policies and Practices
 - Marginalization
 - Administration: Campus leaders seek ways to improve the experience of campus employees (including adjuncts) via campus climate surveys, roles in shared governance, a more significant role in decision making, etc.
 - Faculty: Marginalization and instability are inextricable from contingency, and necessary for “flexibility.”
 - Conditions of Contingent Faculty
 - Administration: Campus leaders seek ways to improve communication with and engage campus employees as well as improve work experiences and benefits.
 - Faculty: Absence of policies re: rights, confluence of practices reinforcing exploitation.
 - Academic Freedom
 - Administration: Academic freedom is perceived to be an ideal/excuse for faculty seeking ways to protect their jobs, especially in the Humanities.
 - Faculty: High rates of contingency threaten the fundamental value of academic freedom.

Areas of Overlap, Divergence in Perspectives

- Budget Influence on Policy and Practice
 - Administration: Small to midsize private Catholic college leaders feel extreme budget pressures, threats from political influence (ex. free public college programs), and challenges to the perceived value of a college education, which threaten their ability to continue to exist. Salary is a significant factor in costs for education, a service industry. Unions are perceived to be a threat to the financial ability of colleges/universities to survive.
 - Faculty: Discussions of “flexibility” rarely focus on administrative expansion, executive salaries, or expenditures on union-busting law firms. A budget is a moral document which often puts the lie to claims of compassion or mission-driven decision-making. There are low-cost measures to ensure development and collegial inclusion of contingent faculty.

Areas of Overlap, Divergence in Perspectives

- Mission Paradox
 - Administration: Campus leaders seem to understand the need for collective bargaining to meet the needs of the staff (security/facilities). They struggle to see Faculty as marginalized or low paid workers. While most see concern for the adjunct worker, most do not take ownership for fixing the conditions holistically and see a difference between professional and expert adjuncts.
 - Faculty: Most adjunct faculty are educators first and foremost, cobbling together full-time work across several campuses/gigs. Rates and lack of benefits for traditional “expert” adjuncts, when applied to those full-time educators, absolutely constitute a marginalizing and exploitative system.

Areas of Overlap, Divergence in Perspectives

- Greater Social Impact on Society and the Church
 - Administration: Few senior leaders spoke about the social impact of Church organizations failing to following Church teachings. However, most felt they understood CST. The literature more clearly expressed concern about a greater negative perception of the Church for failing to live out its teachings.
 - Faculty: Due to the high moral bar held up by CST, the perceived failure to live up to missions of compassion for downtrodden, marginalized, or poverty-stricken workers *on their own campuses* is particularly distressing. If Catholic institutions behave and are governed like secular counterparts, all the more reason to assert NLRB jurisdiction.

Areas of Overlap, Divergence in Perspectives

- **Nature of Contingent Faculty**
 - Administration: Senior leaders spoke mostly about contingent faculty who were experts in their fields and working part-time in education. They believed that the adjunct faculty most likely to seek collective bargaining are those in the Humanities/Liberal Arts whose jobs are being threatened by public pressure for more career-oriented student consumers and/or those who were not able to get tenure-track teaching roles.
 - Faculty: Relative to “adjunctification,” the trope of contingent faculty as “less qualified than” tenure-track colleagues ignores the overwhelming trend, present across industries, toward contract labor and “gig” economics. “Job skills” focus exclusive of humanities diminishes their value to individuals’ long-term earnings and overall contribution to inclusive, diverse, democratic society.

Areas of Overlap, Divergence in Perspectives

- **Politics and Partisanship**
 - Administration: The Obama administration's appointees to the NLRB led to more union-sympathetic decisions. Senior leaders were unsure how the Trump administration's impact would immediately change union growth, but they suspected the new administration would be less union-friendly.
 - Faculty: The see-saw action is apparent in NLRB decisions relative to religious institutions, but even more so in the realm of graduate student unionization efforts. Recent developments suggest that graduate students will seek recognition outside NLRB processes so as to avoid new standards created under a Board with a majority of Trump appointees. Application in the religious context remains to be seen.

Thank you!

Jacob A. Bennett: jacob.a.bennett@gmail.com

Gerald Beyer: gerald.beyer@villanova.edu

Michael Moreland: moreland@law.villanova.edu

Saerom Park: saerom.park@seiu.org

Michele Sampson-Nelson: MLSampson@iona.edu

Omission Statement: A Case for Qualitative Study of Contingent
Faculty Labor Conditions on American Catholic Campuses

Omission Statement: A Case for Qualitative Study of Contingent
Faculty Labor Conditions on American Catholic Campuses

I. INTRODUCTION

The purpose of this paper, and the subsequent research I believe it suggests must be conducted, is informed by my acutely critical sense of existing standards, policies, and practices relevant to contingent faculty labor conditions on American Catholic campuses, and so I want to start with a few words about positionality. Most of my career in higher education so far has been as a contingent faculty member on a Catholic campus; I have felt marginalized in my roles as a part-time and as a full-time contingent faculty member in the context of a private, religiously-affiliated, four-year institution, but also in the contexts of community colleges and a commuter campus that fed into a flagship public system. I have used the term “policy violence” to describe the marginalizing I experienced and perceived in the experiences and narratives of many friends and colleagues and strangers, too, who collectively make up the nearly one million contingent faculty across the country, the clear majority of all faculty today. I do not mean by this phrase to indicate that I believe any ill will or malign intention on the parts of those whose jobs it is to hire and develop faculty within a given institution’s budgetary constraints; but I do mean that the reality of this marginalization, borne of policy decisions devised with the dollar in mind and measured by the statistic, is so commonplace that its banality masks the destructive effect it wreaks. And that distortion has never seemed to me to be more a betrayal than when the stated mission or the admissions strategy of an institution relies on a tradition of uplifting those marginalized in our society, as is true of most if not all Catholic institutions, while the institution goes about its business in part by disregarding, devaluing, and diminishing the role of the majority of its faculty.

I mention all of this in part to come clean, but also to remind myself to bracket any assumptions and frustrations I might bring into my research design, data collection, thematic coding,

and reporting of findings. Just as important as this recognition of positionality, though, is a recognition that while it is my personal experience that motivates my research, the literature is vast that reinforces my contention that there is a problem in the treatment of contingent faculty in American higher education, including within Catholic institutions where the highest ideals of social justice run counter to day-to-day practices. To repurpose a defense of heightened scrutiny of the alignment, or misalignment, of teleological and practical goals of religiously-affiliated institutions of higher education¹: *If we cannot hold Catholic and other religiously-affiliated institutions to a higher standard based on their own deeply-held and long-standing espousals of labor equity, what hope is there that we will do so in secular institutions without such moral stakes as what we find in the tradition of Catholic Social Teaching?*

II. PROBLEM STATEMENT

In the fall of 2015, I addressed myself to the Faculty Senate at La Salle University, where I taught in the English Department for a year as a part-timer and then for five more years as a full-time, non-tenure-track, contingent² faculty member. It was a turbulent time, with a new president on campus, a \$12 million budget shortfall (Snyder, 2015), a reaccreditation process underway, and a university-wide programmatic review making waves and spreading anxieties. The statement I delivered relied on data collected through the periodic Integrated Postsecondary Education Data Systems (IPEDS), data reported in a self-study conducted as part of the re-accreditation process, descriptions and definitions contained in the *University Handbook* (La Salle, 2015), reports on the precarity of contingent faculty labor (U.S. House Committee, 2014; Faculty Forward, 2015), and the

¹ Nussbaum, M. (1997). "Socrates in the Religious University." *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*. Cambridge, MA: Harvard University Press, 258: "If we can show that even in those [religiously-affiliated] institutions the cultivation of humanity and good citizenship requires both Socratic inquiry and curricular attention to diversity, we will have a very good argument that this holds true of the more secular schools as well."

² By "contingent," I mean all non-tenure-track faculty who lack the stability and academic freedom from political, corporate, and ideological pressures that that were of grave concern to the inventors of tenure more than a century ago (Veblen, 1918/1954; Burgan, 2006, pp. 168-190; Tiede, 2014). Though preferring "non-tenure-track faculty" or NTTF, Kezar and Sam (2010a) describe the variety and inconsistency of typology, titles, and institutional use of those who now constitute the majority of faculty, and point out how such inconsistencies present significant impediments to the study of contingent faculty. The variety and inconsistency exists across institutions of all kinds, and sometimes even between schools or departments of the same campus or system. In the process of reviewing the literature, I will spend more time on this issue as it pertains to data collection and reporting.

foundational document in the labor-positive tradition of Catholic Social Teaching, Pope Leo XIII's *Rerum novarum* (1891). I restate some of my address here, not because La Salle's situation is exemplary, but precisely because it is so typical, so indicative of a general trend.

By the time I stood up to address my colleagues, many others had already written about the high rates of contingent faculty labor across higher education in America, and many more have done so since. The national average hovers somewhere between 65-75%, depending on whether the writer construes "contingent faculty" to include only part-time faculty ("adjuncts"), or if they also include full-time non-tenure-track faculty ("NTTFs") or graduate teaching assistants ("TAs"). Because of the makeup of La Salle's faculty, my analysis at the time focused on ratios of both part-time and full-time non-tenure-track faculty in relation to ratios of tenured and tenure-track faculty. In academic year 2013-2014, La Salle University reported a faculty ratio across the university of 33.27% tenured/tenure-track (137 tenured, 51 tenure-track), 8.14% NTTF (46 full-time non-tenure-track faculty), and 58.58% adjunct (331 part-time instructional staff) (IPEDS, 2014). La Salle University reported no TAs. The total ratio of contingent faculty, those off the tenure track, working on contracts of one year or on the basis of one-semester letters of appointment (part-time/adjunct) was 66.72%. Data from the same year indicate the faculty ratio across the country is 29.68% tenured/tenure-track, 18.25% NTTF, and 52.07% adjunct (IPEDS, 2014). Of the 920 or so Title IV institutions claiming a religious affiliation, nearly 30% identify as Roman Catholic, by far the largest grouping of any single denomination. The faculty ratios at Catholic colleges and universities line up neatly with the national average: 33.79% tenured/tenure-track, 14.96% NTTF, and 51.25% adjunct (IPEDS, 2014).

The part-time adjunct majority work with the least stability, semester-to-semester, at wages that equate to less than half the credit-hour rate for the lowest rank of full-time faculty. IPEDS data show average annual salaries for Instructors at \$55,458; assuming a teaching load of four 3-credit

courses per semester, that amounts to \$2,310.75 per credit. While the IPEDS data do not list average wages for part-time faculty, I know from my pay stubs that adjuncts in the English Department in 2011 earned \$3,246 per 3-credit course, or \$1,082 per credit. Part-time instruction tops off at 6 credits per semester, or “half-time”; even so, assuming adjuncts could work a 12-credit “full-time” semester at La Salle, both Fall and Spring (summer teaching being preferentially offered to tenured/tenure-track faculty), the average annual gross wages for that 4/4 load would amount to \$25,968. This is better than the national average, but is nothing to crow about.

Hiring someone for one or two courses means the institution is not liable to offer subsidized health, dental, or retirement benefits, which are standard for full-time hires; in most cases, part-timers do not even have access to these benefits, let alone subsidies. The low wages are the beginning and end of the economic strategy behind the high rates of contingency. Consequently, as shown in a report published by Faculty Forward (2015), an arm of the Service Employees International Union (SEIU), 20% of adjuncts live below the poverty line. The decision to hire an adjunct has little to do with the expertise or teaching ability of an individual faculty member, as revealed in a report published by the Democratic members of the US House Committee on Education and the Workforce (2014).

The contingent condition of faculty labor is a problem that has less to do with the qualifications of contingent faculty, and more to do with the human cost felt in the wallets of nearly 1,000,000 teachers, and with the dismantling of a tenure system that is the backbone of academic freedom and stability in the higher education context. If we were to focus on mission orientation, I said to my colleagues, we must keep in mind the institutional mission, which urges that “all members of our community are called to maintain a heightened sensitivity to those marginalized within society as they practice civic engagement, provide leadership with a global perspective, and contribute to the common good” (La Salle, 2015). We could no longer commit to that mission and simultaneously

rely on a *Handbook* that describes the rights and responsibilities and due processes for tenured/tenure-track and full-time contingent faculty, but says nothing about the rights or responsibilities or due processes for part-time contingent faculty.

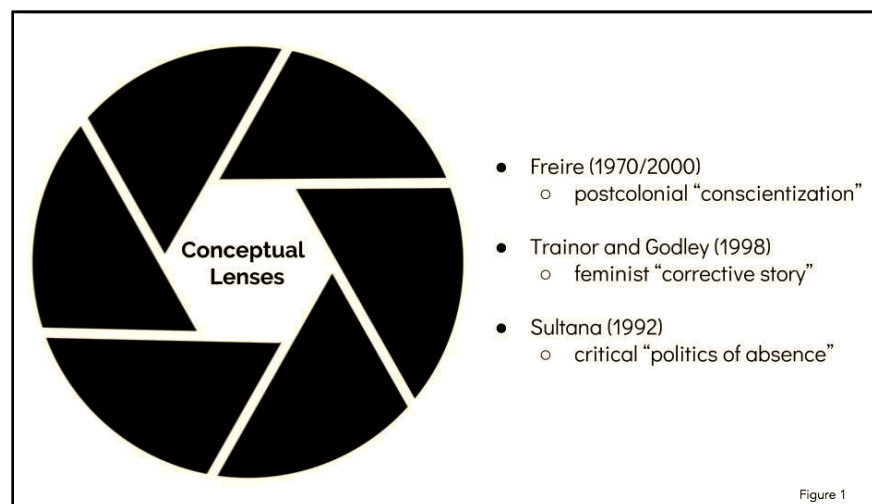
It may be true that some contingent faculty at La Salle and elsewhere perform their roles in the traditional sense, as professionals or experts with careers outside academia (Tuckman, 1978; Gappa and Leslie, 1993; Kezar and Sam, 2010a), hired to teach *as needed*; but many more are career teachers, who teach one or two courses at two, three, four colleges or universities for no better reason than financial need. And those faculty not only make up a majority of faculty at some institutions, but also teach significant percentages of all sections; they are integral members without whom many programs and departments could not succeed. They are only nominally *contingent*. It is true that La Salle University was in the middle of a financial crisis. There had already been one round of layoffs resulting from the year of the Planning for the Future Initiative, and there were likely to be more as a result of the Program Prioritization (Dickeson, 2010) that was then underway. What was necessary, I argued then as I argue now, is a thorough review not only of revenue and mission-alignment of programs and departments, but of the mission *misalignment* apparent in the wages paid to contingent faculty.

III. CONCEPTUAL FRAMEWORK

If the benefit of controlled statistical analysis is purported to be its broad generalizability across identically controlled studies, then the benefit of employing qualitative methods in a cross-case study (Ayres et al., 2003) is that such study attempts a richer, more fully-fleshed-out understanding of participant experience, and lets that experience be significant, lets it be the focus. Another important distinction between quantitative measurement and qualitative understanding is that while the former relies on a hypothesis devised in advance of data collection, the latter allows for revision of theory as findings accumulate and themes emerge. As I continue to develop research

designed to inquire into the experiences of contingent faculty on Catholic college and university campuses, I see that quantitative measures and statistical analyses are both inadequate as methods of collection and reporting of findings relevant to those faculty, as well as too far removed from the day-to-day lives of those faculty to provide anything like a rich interpretation of their experiences. This is not to discount quantitative methods and processes, but to say that they are not amenable to the questions and issues that have emerged as I have read and researched toward a proposal of studies involving one or multiple cases. In attempting to conceptualize the project of understanding the experience of contingent faculty on Catholic campuses, then, I have been interested in a combination of concepts that counter the 10,000-foot view of statistical aggregation. I have found a combination of three concepts to be most useful in clarifying ontological, epistemological, and methodological concerns: Freire's (1970/2000) "conscientization"; Trainor and Godley's (1998) "corrective story"; and Sultana's (1992) "politics of absence" (Figure 1).

From Freire (1970/2000), I draw on the contention that dehumanization is at once an observation of theft, distortion, struggle,



alienation, violence, and oppression, as well as an admission of the possibility, the necessity, of humanization (pp. 43-45). Specifically, I rely here on Freire's concept of conscientization: "The term *conscientização*³ refers to learning to perceive social, political and economic contradictions, and to take

³ I will tend to use the translated form, "conscientization."

action against the oppressive elements of reality” (p. 35 [Translator’s note]). Insisting on the inseparability of perception from action is a means to safeguard against impotent verbalism or unreflective activism—“word = work = praxis” (p. 87).

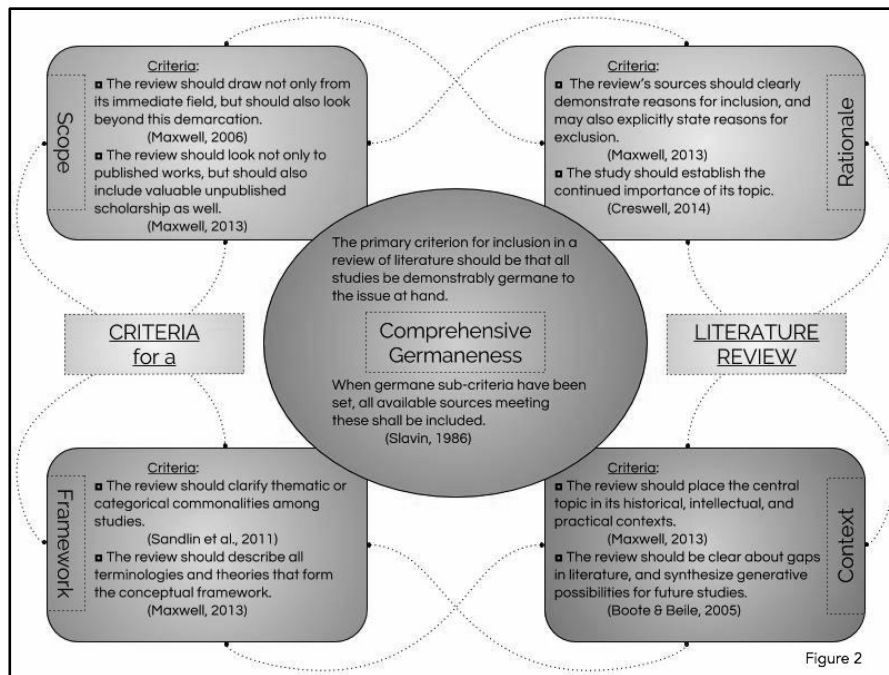
From Trainor and Godley (1998), I draw on the authors’ feminist grounding in a “corrective story” that “depends on including characters and their ordinary daily actions in the symbolic domain that traditionally marginalizes them” (p. 154). This narrative process does not ignore the larger economic pressures that so often dictate administrative decision-making, nor does it pretend there are no disciplinary disparities derived from societal attitudes about work and works, value and values, which translate into divergent trends of employment and remuneration between, say, a Composition and an Engineering faculty; but it seeks beneath those imposing systemic factors a contextualized experience that exists precisely because of the compounding marginalization of such impositions.

From Sultana (1992), I draw on the concept of a “politics of absence” and a concomitant concern with “realist” depictions that result from research that purports narrative totality through positivist or postpositivist objectivity. Too often, the truth of an ideology may be understood as what has been said, what has been done, though a researcher’s unreflective, uncritical acceptance of such a narrative “revels in common-sense ideas that express and encapsulate the requirements of the dominant class” (ibid., p. 24). Critical attention to what a narrative does not tell may also enjoin researcher and participant in a project of identifying the “common-sense” context in which it becomes possible to “problematize key issues such as wealth, power, oppression and exploitation, the wage relationship, class, gender, and race relations on the work-force, and collective struggle on the part of workers through trade unions” (ibid.). In the case of contingent faculty, the literature suggests a silence in institutional policies, accrediting assessments, and federal data collection.

IV. THE

LITERATURE

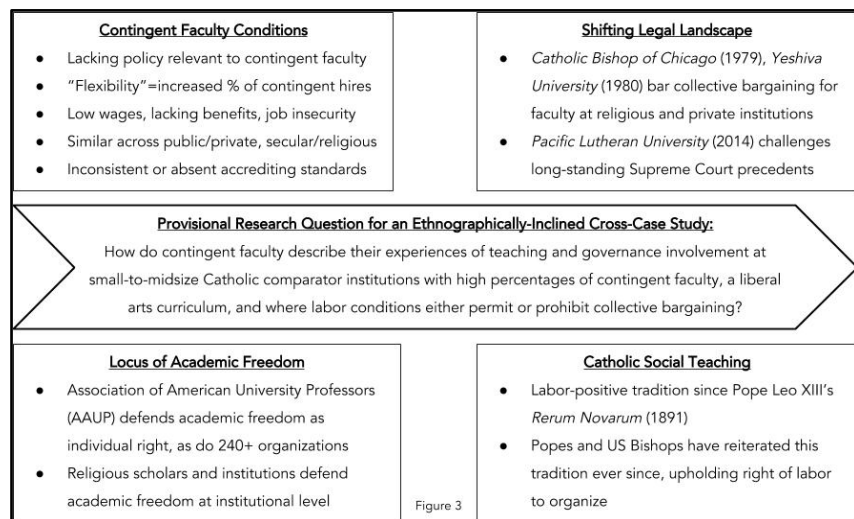
In developing criteria to produce a literature review, I decided at the outset that I needed a sense of centrality for “comprehensiveness” and “germaneness”—“comprehensive germaneness” being a dual



quality that connects and informs all the other criteria and categories. I believe the criteria chart (Figure 2) portrays this centrality while also avoiding prioritizing any of the other criteria and

categories. While Boote and Beile (2005) discuss comprehensiveness in the sense that a review should include as many studies as can be found that address a particular topic or issue, I intend the word in the sense of seeking out as many overlapping areas of inquiry as seem germane to the research questions which I am developing and revising. I use the word *germane* where Maxwell (2006) discusses *relevance*, which shares some denotational qualities with germaneness; but I have cited only Slavin (1986) as the source for the central criterion, as his thinking includes both elements. I have included citations for the other criteria according to the closest match between my process and examples found in the literature. Overall, I have approached the appropriation of criteria in much the same way I have approached the compilation of literature: in the method of “the interpretive *bricoleur*” who produces “a pieced-together set of representations that is fitted to the specifics of a complex situation” (Denzin and Lincoln, 2007, p. 5). I do not believe the problem identified above can be addressed through any one of these criteria or areas of inquiry alone, and so have patched them together to do so.

As for the content of this review, I have identified four areas of inquiry as they relate to the conditions of employment for contingent faculty at Catholic colleges and universities: contingent faculty conditions; shifting



legal landscape; locus of academic freedom; and Catholic Social Teaching (Figure 3).⁴ The first area addresses the conditions of work for contingent faculty; much of the literature points to a lack or

⁴ I will say more about the provisional research question in the final section, in which I make an explicit case for further study.

inconsistency around standards, practices, and policies, as previously indicated in the problem statement. The second area focuses on a much more finite set of legal documents and decisions, which, taken as a whole, help to indicate the shifting understanding and legal guidelines concerning the ability of faculty to organize unions on private, religiously-affiliated campuses. The third area identifies contrasting understandings and defenses of academic freedom apparent in a comparison of professional and disciplinary organizations' views with those of religious scholars and institutions. The fourth area points out a long-standing labor-positive tradition within Catholic Social Teaching, a tradition seemingly at odds with the policies and practices of Catholic colleges and universities reliant upon religious and academic freedom arguments to prevent faculty from organizing unions.

A. *Contingent Faculty Conditions*

This area of inquiry presents the most difficult challenge in terms of “coverage,” given that so much has been written about contingent faculty. I have struggled in this area more than in the others to define the boundaries of “comprehensive germaneness,” and it is my hope that I have succeeded *not* in identifying and summarizing every book, article, monograph, thesis, and report, but in presenting those sources that sufficiently indicate what has been said about the *conditions* of contingent faculty labor. I have excluded, therefore, studies that focus only or primarily on economic explanations, administrative rationales for institutional or programmatic flexibility, or impact studies on student outcomes in courses taught by contingent faculty. Exclusion is not a suggestion that I see no place for such studies or arguments, or that I place no value in them, but a recognition that such *causes, correlations, justifications, and outcomes* are beyond the scope of my research interest in this instance. Since I am concerned with the experience of contingent faculty, I focus instead on the professional and disciplinary standards, and institutional policies and practices, that could affect the experiences of those faculty, either as individuals or as a group. Despite increasing rates of reliance on contingent faculty, faculty handbooks frequently omit policies specific to hiring,

development, and evaluation of these faculty, especially part-timers (e.g., La Salle, 2015). As a corollary to individual institutional policy, there is the issue of inconsistent standards across the regional accreditation commissions, and the issue of inconsistent application of standards within each commission (Leatherman, 1997; Henry, 2008; Schmidt, 2013). Further marginalization occurs through low wages, lack of space and resources, and through governance structures and processes that do not involve this “new faculty majority” (U.S. House Committee, 2014; Faculty Forward, 2015).

In their Introduction, Kezar and Sam (2010a) identify numerous scholars and groups involved in the research of contingent faculty since the 1970s (pp. 12-16). In the section on contingent experiences, the authors point to several studies that focus specifically on assessments by contingent faculty of the flaws and benefits of contingent assignments (e.g., on “working conditions,” pp. 51-59). Each of the three main sections of the monograph (Kezar and Sam, 2010a) could stand as independent reviews of literature of a much more specific scope; however, this is not a weakness but a strength of the overall review, given the specificity of attention given to trends (pp. 19-47), experiences (pp. 49-75), and future plans (pp. 77-106) for non-tenure-track faculty. The bulk of the review draws from a corpus dedicated to analysis of the shifts in ratios of tenured/tenure-track and non-tenure-track faculty, but Kezar and Sam (2010a) draw as well from multiple areas of study, including labor relations, economics and financing, policy analysis, psychology of motivation, and teacher effectiveness. One way the scope could be widened would be to pay more attention to non-scholarly and unpublished works, such as the actions and materials produced by contingent faculty and advocacy organizations (e.g., Coalition of Contingent Academic Labor, Adjunct Nation, New Faculty Majority, p. 102) in order to draw attention to wage and working conditions inequities; however, the effect of the monograph is to present major findings about contingent faculty conditions that go back to the 1970s (Tuckman, 1978; Gappa and Leslie, 1993; Baldwin and

Chronister, 2001; Schuster and Finkelstein, 2006; Hollenshead et al., 2007).

In particular, Kezar and Sam identify “three comprehensive studies” (p. 17) that guide and support my understanding of the lack of consistent contingent faculty policy, one of which is “a qualitative case study of multiple institutions examining policies and practices related to part-time faculty” (Gappa and Leslie, 1993, as cited by Kezar and Sam, 2010a, pp. 17-18), one of which is “a qualitative case study of multiple institutions examining policies and practices related to full-time non-tenure-track faculty” (Baldwin and Chronister, 2001, as cited by Kezar and Sam, 2010a, pp. 17-18), and one of which is “a national quantitative study of approximately 500 institutions asking administrators about their deployment, policies, and practices relative to both part-time and full-time non-tenure-track faculty” (Hollenshead et al., 2007, as cited by Kezar and Sam, 2010a, pp. 17-18). In addition to these studies, numerous other studies (Van Arsdale, 1978; Rhoades and Slaughter, 1997; Rhoades, 1998, 2008; Burgan, 2006; Goldstene, 2012; Kezar and Maxey, 2013, 2014; Kezar and Sam, 2013; Maxey and Kezar, 2015) and statements by disciplinary or professional organizations (ADE, 1999; AAUP, 2015; MLA, 2011) support and augment the three just identified.

While I will address legal matters related to labor and religious freedom below, it is worth mentioning here, as a policy issue affecting contingent labor conditions, that federal legislation governing the distribution of institutional aid (20 U.S.C. Ch. 28 §§1051-1068(h)) and student financial assistance (20 U.S.C. Ch. 28 §§1070-1099) dictates the collection and dissemination of data related to those institutions (20 U.S.C. Ch. 28 §1094(a)(17)), including the requirement that the institution “accurately describe...the faculty and other instructional personnel” (20 U.S.C. Ch. 28 §1092(a)(1)(g)). The level of detail required is inconsistent across types of instructional personnel, and is in part dependent on how the institution chooses to categorize and classify such personnel. In its *Handbook*, La Salle University (2015) includes a provision for collection of data regarding faculty numbers, but the collection specifically excludes adjunct faculty figures: “These data shall include,

listed by School and College, the numbers of tenured faculty, non-tenure track faculty, and one-year faculty appointments” (p. 40). Additionally, while there is a limit on the ratio of full-time contingent faculty, capped at 15% of total faculty, there is no such cap on part-time contingent faculty. In fact, part-timers only show up in the *Handbook* three times: to clarify title and qualifications, explaining that “the Lecturer shall possess at least the minimum qualifications of the Instructor rank” (p. 39); to indicate the lack of departmental stability resulting from too much reliance on part-time faculty (p. 41); and to ensure part-timers are the first fired in case of retrenchment (p. 72).

Related to this inconsistent collection and analysis of data, Kezar and Sam (2010a) go into great detail regarding the varied and variable terminologies used to describe contingent faculty in the literature, in policies, in contracts and letters of appointment, and anywhere else such discourse occurs (“typologies and titles,” pp. 33-41), including in the data-collection structures just outlined. In fact, thinking ahead to the discussion section below, and relevant to the generative possibilities left open by gaps in the literature, the authors contend, and I concur, that one of the most important obstacles to data collection and policy change is the baffling lack of consistency in terminology, sometimes even within a single institution and certainly across the national landscape.

B. *Shifting Legal Landscape*

My focus in the area of law, as it relates to labor organizing, begins with the National Labor Relations Act (NLRA, 1935; a.k.a. the Wagner Act), which establishes the permanent National Labor Relations Board (NLRB), which in turn has jurisdiction over private commercial enterprises in cases when employees seek to join together in a union for purposes of collective bargaining. The NLRB also has jurisdiction to hear complaints when either employees or employers seek to file for redress of unfair labor practices. Narrowing the scope to the higher education context, there are two precedential Supreme Court of the United States (SCOTUS) decisions to consider, one of them being *NLRB v. Catholic Bishop of Chicago* (1979). The decision in *Catholic Bishop* bars collective

bargaining by faculty at religiously-affiliated institutions, relying on the Free Exercise Clause of the 1st Amendment to argue against burdensome governmental intervention. This decision, as well as the Religious Freedom Restoration Act (1993), provides religiously-affiliated organizations, including institutions of higher education, with an option to claim exemption from jurisdiction under the NLRA. According to the SCOTUS decision, two questions must be answered relevant to two secondary Catholic school groups, where units composed solely of lay teachers sought union recognition: does language in the NLRA grant NLRB jurisdiction in instances of church-operated schools engaged in both religious and secular instruction, and, if so, should exercise of that jurisdiction be considered a violation of the religious protection clause of the 1st Amendment? In the case of the first question, the Court held that the language of the NLRA does not grant such jurisdiction; in the case of the second question, the Court held that even allowing, let alone acting on, such jurisdiction would result in “significant risk of infringement” of those 1st Amendment protections. This decision still stands as precedent in the consideration of NLRB jurisdiction in the case of a religiously-affiliated or -operated school, including higher education institutions.

Decided one year later, *NLRB v. Yeshiva University* (1980) bars faculty collective bargaining on the basis of a demonstrated faculty role in management of private institutions. Under NLRA guidelines, managerial staff are prohibited from joining or forming collective bargaining units, or unions, since their role-defined responsibilities include administration of the very policies most often covered by collective bargaining agreements, including working conditions, wages, and benefits. Since that decision, however, at community colleges as well as at 4-year private institutions, both secular and religiously-affiliated, have become increasingly corporatized in their governing structures, with more and more of the administrative function centralized in the hands of non-faculty staff. In light of this shift, and especially in cases involving contingent faculty, many of whom are hired on a part-time and temporary basis.

The NLRB's decision in *Pacific Lutheran University* (2014) challenges both these foundations, creating new standards for asserting jurisdiction. In terms of the managerial responsibilities of contingent faculty within the governance structures of an institution, if it was questionable in 1980 whether or not non-tenure-track faculty, whether full- or part-time, had any role in those structures, it is almost beyond credulity to suggest that contingent faculty in 2014, or 2017, play such a role, or even enjoy access to such a role in the first place. It is on this basis that the NLRB decision in *Pacific Lutheran* refutes the precedent set almost 40 years ago.

In terms of the religious nature of an institution, the NLRB, in determining whether to assert jurisdiction, seeks to discover not only whether an institution's mission and identity are bound up in religious practice, but also whether that institution requires its faculty to perform some religious function in instruction. Looking back to *Catholic Bishop*, in the case of one group of schools there was a specific tradition of religious instruction for students intending or considering the priesthood; while admission requirements had loosened so that acceptance was not specifically dependent on declared intention for the priesthood, the curriculum still included significant instruction in religious matters. The other group of schools represented in the case had no similar seminary function, though some religious instruction was considered mandatory. Instead of relying on the claims of the institution regarding the religious nature or function of its curriculum and its instructors, the NLRB's new standards require findings to discover whether or not the petitioning unit of faculty are held out as performing religious instruction, as would be the case in a seminary.

The revised standards have been asserted in other cases, including at Seattle University, Duquesne University, Manhattan College, Marywood University, Saint Xavier University, and Loyola University Chicago, to name a few.⁵ In each case, former NLRB Member Philip A. Miscimarra, and

⁵ Where faculty have been shown not to perform religious instruction, the NLRB has asserted jurisdiction and ordered union elections; in some cases, as at Manhattan and Duquesne and Loyola, faculty in theology or religion departments are excluded from the petitioning unit.

acting or actual Chairman of the NLRB for most of 2017, has dissented and objected to the new standards for determining NLRB jurisdiction at religiously-affiliated higher education institutions. Specifically, Miscimarra objects to the the criterion that determines whether or not an institution “holds out the petitioned-for faculty members as performing a religious function” and prefers instead the criteria established in *University of Great Falls* (2002). As clarified in footnote #2 of *Pacific Lutheran*, Miscimarra writes: “Under the *University of Great Falls* test, the Board has no jurisdiction over faculty members at a school that (1) holds itself out to students, faculty and community as providing a religious educational environment; (2) is organized as a nonprofit; and (3) is affiliated with, or owned, operated, or controlled, directly or indirectly, by a recognized religious organization, or with an entity, membership of which is determined, at least in part, with reference to religion.” This dissenting opinion is significant, as the two vacant seats on the NLRB were filled by President Donald J. Trump; with a conservative majority under a Chairman Miscimarra and then his successor Marvin E. Kaplan, with tendencies to decide in favor of corporate interests over those of petitioning for faculty labor units, recent NLRB orders based on the *Pacific Lutheran* standards may be reversed, throwing the fate of faculty on religious campuses back into the hands of college and university administrations that have shown, by and large, no interest in waiving NLRA exemption.⁶

C. *Locus of Academic Freedom*

Beginning with the formation of the American Association of University Professors in 1915, the organization has been concerned with issues of academic freedom and tenure and their bearing on shared governance in higher education institutions (Burgan, 2006; Garcia, 2014; Tiede, 2014). According to the AAUP’s 1915 Declaration of Principles on Academic Freedom and Academic

⁶ As of February 28, 2018, the NLRB has upheld unfair labor practice claims of refusal to bargain and interference made by petitioners at Duquesne University (366 NLRB No. 27), with the order requiring recognition of the exclusive representative selected by a majority of the adjunct faculty within the petitioned-for unit (*Duquesne University of the Holy Spirit*, 06—RC—080933, 2017 WL 1330294). As of March 1, 2018, that case is scheduled for a hearing in the D.C. Circuit Court of Appeals, on the University’s claim that exertion of jurisdiction by the NLRB violates Supreme Court precedent (*Catholic Bishop*, 1979), D.C. Circuit decisions (*Great Falls*, 2002; *Carroll College*, 2009), and the Religious Freedom Restoration Act (1993).

Tenure (AAUP, 2015, pp. 3-12), “the scholar must be absolutely free not only to pursue his investigations but to declare the results of his researches, no matter where they may lead him or to what extent they may come into conflict with accepted opinion.” The 1940 Statement of Principles on Academic Freedom and Tenure (ibid., pp. 13-19), endorsed by approximately 240 organizations, similarly locates academic freedom in individual scholars, even if it does not include the same language regarding the *absolute* freedom of the individual scholar.⁷

Religiously-affiliated colleges and universities, however, locate academic freedom at the level of the institution (Crosson, 1994; Garcia, 2012, 2014; Ringenberg, 2016a, 2016b). Such lines of argument suggest the “divine truth” of theological or philosophical pursuits is inherently broader and therefore more free than material or empirical truths, confined as the latter are to observable phenomena. While there is here another overlap with the legal realm, whereby religious institutions enjoy ministerial exception to laws governing employment and labor conditions, in the context of academic freedom this amounts to the prerogative of the religious institution to conduct itself according to religious teachings and principles, to pursue divine truths, and to expect that such mission-driven pursuits should hold sway over the secular, or *sectarian* (Garcia, 2014) pursuits of individual scholars, especially those whose study falls outside theology.

D. Catholic Social Teaching

Pope Leo XIII, in his encyclical *Rerum Novarum* (1891), establishes an explicitly labor-positive tradition of Roman Catholic Church, reinforced by Paul VI’s *Gaudium et Spes* (1965, no. 68), John Paul II’s *Laborem Exercens* (1981, no. 20) and *Centesimus Annus* (1991, no. 7), Benedict XVI’s *Caritas in Veritate* (2009, no. 25), and Francis I’s *Laudato si’* (2015), as well as reports from the United States Conference of Catholic Bishops (and previous iterations), including *Bishops’ program for social reconstruction* (1919), *Economic Justice for All* (1986) and *Forming Consciences for Faithful Citizenship* (2007).

⁷ Garcia (2014) makes a compelling argument that the narrowing of the individual’s freedom to their area of expertise, their disciplinary silo, or their departmental designation, is a dilution of the original statement from the AAUP.

The tradition of Catholic Social Teaching (Russo, 2014; Beyer, 2015; Beyer and Carroll, 2016) clearly insists on “a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not to be insufficient to support a frugal and well-behaved wage-earner” (*Rerum Novarum*, no. 45). Even more specifically germane to the issue of collective bargaining and the legal landscape described above, the Vatican sources cited in this subsection follow upon and reiterate the claim made by Leo XIII, that of all the types of “associations and organizations as afford opportune aid to those who are in distress” (no. 48), “the most important of all are workingmen’s [*sic*] unions” (no. 49). He adds that such association is “the natural right of man [*sic*]” (no. 51), and that to forbid such association contradicts the roles and purposes of both the State and the Church. The Vatican’s *Compendium of the Social Doctrine of the Church* is very clear about “the fundamental role played by labor unions, whose existence is connected with the right to form associations or unions, to defend the vital interests of workers employed in the various professions (par. 305, as cited in Russo, 2014, p. 19).

The clarity and resonance of this pronouncement is important, for, as is the case in many instances where faculty have attempted or are attempting to organize unions for the sake of collective bargaining, their efforts have been impeded by Catholic institutions claiming exemption from NLRB jurisdiction (i.e., exempt from law allowing for collective bargaining) on grounds of religious freedom. Pointing to the 1st Amendment’s clause of religious protection, and to the Religious Freedom Restoration Act (RFRA, 1993), as well as to Supreme Court precedent (*Catholic Bishop*, 1979), religiously-affiliated institutions have decried unionization as a threat to their religious missions. As noted above, the basis of these claims is similar to the legal doctrine of ministerial exception, which exempts religious institutions from adhering to employment discrimination law or labor law in the same ways expected of an unaffiliated private institution.⁸

⁸ Public colleges and universities fall outside the jurisdiction of the NLRB and outside the purview of this review; in

V. DISCUSSION: THE CASE FOR FURTHER STUDY

Many Catholic institutions base their missions and admissions marketing on the tradition of Catholic Social Teaching, which has been explicitly and unequivocally supportive of the rights of workers to unionize since the 1890s; those same institutions also rely on a growing corps of contingent faculty marginalized by a contradictory, incomplete narrative. Peering through the conceptual lenses identified in my Statement of Previous Research and Scholarly Productivity, I am working toward a study that: *allows for conscientization* (i.e., perception and action) of and against the paradox inherent when an institution exploits its laborers while it also capitalizes on a tradition that abhors such exploitation; *encourages a corrective story* based on the feminist principle of seeking the experiences of the exploited in the very place of their exploitation; and *is aware of and wary of the absences and omissions* that necessarily cling to any claims of realism, objectivity, or narrative totality.

The exact phrasing may change, but the working research question I have in mind is: *How do contingent faculty experience and describe their labor conditions at small-to-mid-size Catholic comparator institutions with high percentages of contingent faculty, a liberal arts curriculum, and where policy or practice prohibits collective bargaining?* While it will be important to identify and analyze institutional documents, including admissions brochures or emails, policy handbooks, and artifacts indicative of practices relevant to the working lives of contingent faculty (e.g., wages, benefits, professional development, formal evaluation and feedback, departmental emails and functions, governance responsibilities, etc.), much of the work toward answering that question will require in-depth interviewing and observation as part of a multiple cross-case study⁹ that may lead to emerging theory about similar cases at comparator institutions.

states where such a legal structure exists, the jurisdiction falls instead to a public employee labor relations board.

⁹ It may also be viable to conduct within-case study at institutions where, according to current National Labor Relations Board (NLRB) decisions, faculty in Religion or Theology Departments have been excluded from petitioned-for collective bargaining units on the basis that they are held out by their institutions as performing religious instruction, and so are exempt from NLRB jurisdiction according to Supreme Court precedent and 1st Amendment religious freedom protections.

As examples of case studies looking at the experiences of contingent faculty, I find much to be learned, first, from Crawford and Germov (2015), who seek “to change organisational [sic] culture towards promoting a more supportive environment for casual academic employees” (p. 535), and are looking at the “destandardisation” and “casualisation” of University of Newcastle part-time faculty (*ibid.*), which includes “job insecurity, lack of career path, low pay” and a number of other factors. The authors used document analysis and stakeholder consultation through meetings and workshops to construct a set of principles (p. 539) find that senior administrators, deans, and faculty were committed to the derived principles (*ibid.*).

Trainor and Godley (1998), in addition to providing me with part of a conceptual framework (see above), provide an example of a case study of “how part-time writing instructors and those responsible for their hiring responded to the directive” that “a portion of the composition courses offered on the State U campuses would be relocated to local community colleges” (p. 153). The authors “look at how various discourses about composition—its economic status, remedial overtones, conceptions of student need, and labor problems—emerged [...] as strategies for resistance, as justification for policy, as explanations for part-timers’ plight” (p. 154); they then compare “the ways those at higher levels of organization [...] and those at the lower levels [...] utilize these discourses” (*ibid.*). The authors collect findings from part-time lecturers, tenured faculty, and administrators at two state university campuses affected by the directive “through interviews, observations, and university documents” (p. 154); their analysis consists of deriving themes from that evidence and presenting them in discrete sections devoted to the two cases. In my research, I have found that the “contingent crisis” in higher education varies depending on discipline, and that among the Humanities it is often the English departments that hire part-timers at greater rates than others; this study reinforces that perception, and encourages me to narrow my research to particular departments, or perhaps to conduct comparative study between departments (see also, Schell and

Stock, 2001).

Lastly, Kezar (2013a) is interested in whether or not contingent faculty¹⁰ “perceive departmental policies and practices shape their performance and their ability to create a positive learning environment for students” (p. 573). The author is interested in the lack of understanding of how contingent faculty experience their working conditions, a phenomenon resulting from the prevalence of “studies [that] have generally been conducted of large-scale national data and [that] have ignored institutional (two-year versus four-year) and disciplinary differences” (p. 574). Kezar “employed a nested multi-case study approach” (p. 578) at “three four-year institutions that are ‘Master Colleges and Universities’” (p. 579), and analyzed perceptions derived from one-on-one interviews with contingent faculty (p. 580), observation of departmental activity (ibid.), as well as “key documents including self-study for accreditation [...], strategic plans, faculty handbooks, union contracts, and departmental websites and materials” (ibid.). Analysis of documents and interview codes was conducted over several phases according to the various nested levels of case study, and then the author created a table displaying information including “the working condition, an indication for how the working conditions impacted their performance and educational environment, quotation from interview, the department and whether it is supportive or unsupportive, and contract type” (p. 581). The design of this study, and the substantive focus, is so closely aligned with my research interests that I believe I can repurpose much of it in the context described by the provisional research question.

My perspective regarding the literature of standards, policies, and practices has been guided by a process of apophatic apprehension: to define what I believe *should* happen by looking at what

¹⁰ Kezar tends to use the “non-tenure-track faculty” (NTTF) nomenclature, where I tend to stick to “contingent.” Regardless of this typological distinction, in a review of literature around contingent faculty conditions, Kezar (e.g., Kezar and Sam, 2010a, 2010b, 2013) is involved in some of the most valuable research to be found.

happens in the *absence* of clearly articulated and faithfully executed policy.¹¹ One of the galvanizing experiences of my career as a contingent faculty member was reading a Middle States Commission on Higher Education (MSCHE) report that said nothing at all about my university's nearly 70% ratio of faculty who were either part-time or full-time contingent, nor about the nearly 50% of overall sections taught by part-timers. This report followed the university's self-study, which clearly identified a need to pursue standard and formal policies for hiring, developing, and evaluating contingent faculty, an observation made in direct response to the accrediting agency's direction that at "institutions relying on part-time, adjunct, temporary and other faculty on time-limited contracts," not only is there a requirement that "employment policies and practices should be as carefully developed and communicated as those for full-time faculty," but also a recognition that "[t]he greater the dependence on such employees, the greater is the institutional responsibility to provide orientation, oversight, evaluation, professional development, and opportunities for integration into the life of the institution" (MSCHE, 2011). Along with several other colleagues, some with formal roles to play in the self-study process, I spent months arguing the necessity to reflect frankly on our institutional failure to adhere to this requirement for accreditation. When the re-accreditation report was published, there was no mention of Standard 10, quoted above, nor any order to revise or create policy in order to satisfy that standard.

As it happens, the MSCHE has revised its guidelines (2015), and instead of appearing in a section devoted to Faculty, concern for contingent faculty has been subsumed as an aspect of Design and Delivery of the Student Learning Experience. Any attention to conditions under which faculty labor has been pared down to a provision that "opportunities" be offered for development, and that faculty be "reviewed regularly and equitably based on written, disseminated, clear, and fair criteria, expectations, policies, and procedures." Given that the new standards will be in effect for

¹¹ For an exemplary policy statement that seeks alignment of mission espousals and actual policies and practices, see Georgetown University's (2015) *Just employment in action*.

the first time during the 2017-2018 academic year, it remains to be seen whether or not the MSCHE will also revise its approach to *applying* the language they have so carefully wrought, and whether or not accreditation will truly be conditional upon satisfaction of the standards *as written*.

My hope is that study of the experiences of contingent faculty on Catholic campuses can begin a process of redressing a lack and inconsistency of institutional and agency policies, and that it can begin a process of straightening out the paradox of institutions claiming social justice missions, and attempting to realize them on the backs of marginalized and exploited contingent faculty.

References

- Association of Departments of English Ad Hoc Committee on Staffing (ADE). (1999). Report of the ADE Ad Hoc Committee on Staffing: Executive summary. *ADE Bulletin*, (122), 3-26.
- Association of American University Professors (AAUP). (2015). *Policy documents and reports* (11th ed.). Baltimore, MD: Johns Hopkins University Press.
- Ayres, L., Kavanaugh, K., & Knafl, K. (2003). Within-case and across-case approaches to qualitative data analysis. *Qualitative Health Research*, 13(6), 871-883.
- Beyer, G. J. (2015). Labor unions, adjuncts, and the mission and identity of Catholic universities. *Horizons*, 42(1), 1-37.
- Beyer, G. J., and Carroll, D. C. (2016). Battling adjunct unions fails legal and moral tests. *National Catholic Reporter*, 52(3).
- Boote, D. N., and Beile, P. (2005). Scholars before researchers: On the centrality of the dissertation literature review in research preparation. *Educational Researcher*, 34(6), 3-15.
- Burgan, M. (2006). *What ever happened to the faculty? Drift and decision in higher education*. Baltimore, MD: Johns Hopkins University Press.
- Carroll College, Inc. v. NLRB*, 555 F.3d 568 (D.C. Cir. 2009).
- Crawford, T., & Germov, J. (2015). Using workforce strategy to address academic casualisation: A University of Newcastle case study. *Journal of Higher Education Policy & Management*, 37(5), 534-544.
- Crosson, F. J. (1994). Two faces of academic freedom. In T. M. Hesburgh (Ed.), *The challenge and promise of a Catholic University* (pp. 45-61). Notre Dame, IN: Notre Dame University Press.
- Denzin, N. K., and Lincoln, Y. S. (2007). Introduction: The discipline and practice of qualitative research. In N. K. Denzin and Y. S. Lincoln (Eds.), *Collecting and interpreting qualitative materials* (3rd ed.) (pp. 1-42). Thousand Oaks, CA: Sage Publications.

- Dickeson, R. C. (2010). *Prioritizing academic programs and services: Reallocating resources to achieve strategic balance* (2nd. ed.). San Francisco, CA: Jossey-Bass Publishers.
- Duquesne University of the Holy Spirit*, Case No. 06-RC-080933 (unpublished NLRB regional director's Order, April 10, 2017).
- Duquesne University of the Holy Spirit*, 366 NLRB No. 27 (2018).
- Faculty Forward. (2015). *Professors in poverty*. Service Employees International Union. Retrieved from seiufacultyforward.org/professors-in-poverty/.
- Freire, P. (2000). *Pedagogy of the oppressed* (30th Anniversary Ed.). (M. B. Ramos, trans.). New York, NY: Continuum. (Original Portuguese published in 1968; original English translation published in 1970).
- Gappa, J. M., and Leslie, D. W. (1993). *The invisible faculty: Improving the status of part-timers in higher education*. San Francisco, CA: Jossey-Bass Publishers.
- Garcia, K. N. (2012). *Academic freedom and the telos of the Catholic university*. New York, NY: Palgrave Macmillan.
- Garcia, K. N. (2014.) Religion, sectarianism, and the pursuit of truth: Reexamining academic freedom in the twenty-first century. *Journal of Academic Freedom*, 5. Retrieved from <https://www.aaup.org/sites/default/files/Garcia.pdf>.
- Georgetown University. (2015). *Just employment in action: Adjunct unionization and contract negotiation at Georgetown University*. Kalmanovitz Initiative for Labor and the Working Poor.
- Goldstene, C. (2012). The politics of contingent academic labor. *Thought and Action*, 28(Fall), 7-15.
- Henry, E. (2008). Looking the other way? Accreditation standards and part-time faculty. *Academe*, 94(2), 103-110.
- Kezar, A. (2013). Examining non-tenure track faculty perceptions of how departmental policies and practices shape their performance and ability to create student learning at four-year

- institutions. *Research in Higher Education*, 54, 571-598.
- Kezar, A., and Maxey, D. (2013). *Dispelling the myths: Locating the resources needed to support non-tenure-track faculty*. Los Angeles, CA: Pullias Center for Higher Education. Retrieved from www.uscrossier.org/pullias/wp-content/uploads/2013/10/DelphiProject-Dispelling_the_Myths.pdf
- Kezar, A., and Maxey, D. (2014). Understanding key stakeholder belief systems or institutional logics related to non-tenure-track faculty and the changing professoriate. *Teachers College Record*, 116, 1-42.
- Kezar, A., and Sam, C. (2010a). *Understanding the new majority of non-tenure-track faculty in higher education: Demographics, experiences, and plans of action* [Monograph]. *ASHE higher education report*, 36(4).
- Kezar, A., and Sam, C. (2010b). *Non-tenure-track faculty in higher education: Theories and tensions* [Monograph]. *ASHE higher education report*, 36(5).
- Kezar, A., and Sam, C. (2013). Institutionalizing equitable policies and practices for contingent faculty. *The Journal of Higher Education*, 84(1), 56-87.
- Labor Management Relations Act of 1947, codified as amended at 29 U.S.C. Ch. 7 §§141-187.
- La Salle University. (2015, Fall). *La Salle University Handbook: A manual of policies and procedures*.
- Leatherman, C. (1997, November 7). Do accreditors look the other way when colleges rely on part-timers? *The Chronicle of Higher Education*.
- Maxwell, J.A. (2006). Literature reviews of, and for, educational research: A commentary on Boote and Beile's "Scholars before researchers." *Educational Researcher*, 35(9), 28-31.
- Maxey, D., and Kezar, A. J. (2015). Revealing opportunities and obstacles for changing non-tenure-track faculty practices: An examination of stakeholders' awareness of institutional contradictions. *The Journal of Higher Education*, 86(4), 564-594.
- Middle States Commission on Higher Education. (2011). *Standards for Accreditation and Affiliation*

(12th ed.).

Middle States Commission on Higher Education. (2015). *Standards for Accreditation and Affiliation* (13th ed.).

Modern Language Association of America (MLA). (2011). *Professional employment practices for non-tenure-track faculty members: Recommendations and evaluative questions*. Committee on Contingent Labor in the Profession.

Monhollon, R. (2006, January). Adjuncts and accrediting commissions: Unlikely allies? *Perspectives*, pp. 27-29.

National Catholic Welfare Council. (1919). *Bishops' program for social reconstruction: A general review of the problems and survey of remedies*. Retrieved from <http://cuomeka.wrlc.org/files/original/370054457647c656264d6eb9bfdbc3aa.pdf>

National Labor Relations Act of 1935, codified as amended at 29 U.S.C. Ch. 7 §151 et seq.

NLRB v. Catholic Bishop of Chicago, 440 U.S. 490 (1979).

NLRB v. Yeshiva University, 444 U.S. 672 (1980).

Nussbaum, M. C. (1997). *Cultivating humanity: A classical defense of reform in liberal education*. Cambridge, MA: Harvard University Press.

Pacific Lutheran University, 361 NLRB No. 157 (2014).

Pope Benedict XVI. (2009). *Caritas in veritate* [Papal encyclical]. Retrieved from w2.vatican.va/content/benedict-xvi/en/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html.

Pope Francis I. (2015). *Laudato si'* [Papal encyclical]. Retrieved from w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

Pope John Paul II. (1981). *Laborem exercens* [Papal encyclical]. Retrieved from

- w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html.
- Pope John Paul II. (1991). *Centesimus annus* [Papal encyclical]. Retrieved from w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.
- Pope Leo XIII. (1891). *Rerum novarum* [Papal encyclical]. Retrieved from http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.
- Pope Paul VI. (1965). *Gaudium et spes* [Papal constitution]. Retrieved from www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.
- Religious Freedom Restoration Act (RFRA) of 1993, codified as amended at 42 U.S.C. Ch. 21B §2000bb et seq.
- Rhoades, G. (1998). *Managed professionals: Unionized faculty and restructuring academic labor*. Albany, NY: State University of New York Press.
- Rhoades, G. (2008). The centrality of contingent faculty to academe's future. *Academe*, 94(6), 12-15.
- Rhoades, G., and Slaughter, S. (1997). Academic capitalism, managed professionals, and supply-side higher education. *Academic Labor*, (51), 9-38.
- Ringenberg, W. C. (2016a). *The Christian college and the meaning of academic freedom: truth-seeking in community*. New York, NY: Palgrave Macmillan.
- Ringenberg, W. C. (2016b). Interview: William Ringenberg on Christian colleges and academic freedom. *Academe Blog*. Retrieved from <https://academeblog.org/2016/02/12/interview-with-william-ringenberg-on-christian-colleges-and-academic-freedom/>
- Russo, J. (2014). Catholic Social Teaching and adjunct faculty organizing. *Social Policy*, 44(2), 18-21.

- Sandlin, J. A., O'Malley, M. P., and Burdick J. (2011). Mapping the complexity of public pedagogy scholarship: 1894-2010. *Review of Educational Research* 81(3), pp. 338-375.
- Schell, E. E., and Stock, P. L. (Eds.). (2001). *Moving a mountain: Transforming the role of contingent faculty in composition studies and higher education*. Urbana, IL: National Council of Teachers of English.
- Schuster, J. H., and Finkelstein, M. J. (2006). *The American faculty: The restructuring of academic work and careers*. Baltimore, MD: Johns Hopkins University Press.
- Schmidt, P. (2013, April 17). New complaint to accreditor assails college's treatment of adjuncts. *The Chronicle of Higher Education*.
- Seidman, I. (2012). *Interviewing as qualitative research: A guide for researchers in education and the social sciences* [4th ed.]. New York, NY: Teachers College Press.
- Slavin, R. (1986). Best-evidence synthesis: an alternative to meta-analytic and traditional reviews. *Educational Researcher* 15(9), 5-11.
- Snyder, S. (2015, August 26). La Salle lays off staff in wake of shortfall. *The Inquirer*. Retrieved from www.philly.com/philly/education/20150826_La_Salle_lays_off_staff_in_wake_of_shortfall.html.
- Sultana, R. G. (1992). Ethnography and the politics of absence. *Qualitative Studies in Education*, 5(1), 19-27.
- Tiede, H. (2014.) "To make collective action possible": The founding of the AAUP. *Journal of Academic Freedom*, 5. Retrieved from https://www.aaup.org/sites/default/files/Tiede_0.pdf
- Trainor, J. S., and Godley, A. (1998). After Wyoming: Labor practices in two university writing programs. *College Composition and Communication*, 50(2), 153-181.
- Tuckman, H. P. (1978). Who is part-time in academe? *AAUP Bulletin*, 64(4), 305-315.
- United States Conference of Catholic Bishops. (1986). *Economic justice for all: Pastoral letter on Catholic Social Teaching and the U.S. economy*. Retrieved from http://www.usccb.org/upload/economic_

justice_for_all.pdf

United States Conference of Catholic Bishops. (2007). *Forming consciences for faithful citizenship: A call to political responsibility from the Catholic Bishops of the United States*. Retrieved from <http://www.usccb.org/issues-and-action/faithful-citizenship/upload/forming-conscienc-for-faithful-citizenship.pdf>

United States Department of Education, Institute for Education Sciences, National Center for Education Statistics, Integrated Postsecondary Education Data Systems. (2014). *La Salle University, Human Resources 2013-2014* [Data set].

United States House Committee on Education and the Workforce, Democratic Staff. (2014). *The just-in-time professor: A staff report summarizing eForum responses on the working conditions of contingent faculty in higher education*. Washington, DC.

University of Great Falls v. NLRB, 278 F.3d 1335 (D.C. Cir. 2002).

Van Arsdale, G. (1978, November). De-professionalizing a part-time teaching faculty: How many, feeling small, seeming few, getting less, dream of more. *American Sociologist*, 13, 195-201.

Veblen, T. (1954). *The higher learning in America: A memorandum on the conduct of universities by business men*. Stanford, CA: Academic Reprints. (Original work published in 1918 by B. W. Huebsch)